

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Mayor's Agent

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5
6 Mayor's Agent Hearing

7 1901 4th Street Northwest

8
9 1100 4th Street Southwest

10 Suite E650

11 Washington, D.C. 20024

12
13 9:30 a.m. to 10:01 a.m.

14 Friday, February 27, 2015

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1 Present:

2 PETER BYRNE - Mayor's Agent

3 BRENDAN MEYER - Historic Preservation Office

4 JEFF AHN - Applicant

5 ANDREA FENIAK - Neighbor/Resident

6 ERIC FIDLER - Neighbor/Resident

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1 P R O C E E D I N G S

2 MR. BYRNE: Good morning.

3 MR. AHN: Good morning.

4 MR. BYRNE: I'm Peter Byrne and I am the
5 Mayor's Agent for this matter, which involves a
6 permit application to construct a roof deck at
7 1901 4th Street Northwest, in the LeDroit Park
8 Historic District.

9 The application is assigned Historical
10 Protection Act Number 14-566.

11 The case is being heard under the
12 authority of D.C. Law 2-144. The Historic
13 Landmark and Historic District Protection Act of
14 1978.

15 This law requires that the mayor or his
16 or her agent review permit applications for
17 demolition alterations, subdivision and new
18 construction on the site of historic landmarks
19 and historic districts.

20 Prior to consideration by the Mayor's
21 Agent the law requires applications be referred
22 to the Historic Preservation Review Board for its

1 recommendation. On September 18th, 2014 the
2 Review Board recommended against the issuance of
3 a building permit on the grounds that it would
4 not be consistent with the purposes of the
5 Historic Landmark and Historic District
6 Protection Act. After the Board made its
7 recommendation the applicant requested this
8 public hearing as provided by law.

9 The hearing will be conducted in
10 conformity with D.C. Administrative Procedure Act
11 and Title 10C of the District of Columbia
12 Municipal Regulations which contain that rules
13 are procedure for the Mayor's Agent pursuant to
14 the Preservation law.

15 Order of proceedings and presentation of
16 evidence shall be as follows. First, any pending
17 motions. Second, presentation of the applicant's
18 case. Three, reports or statements by public
19 agency representatives, statements by affected
20 advisory neighborhood commissions, parties and
21 other persons in support of the application,
22 parties and other persons in opposition to the

1 application. Rebuttal by the applicant.

2 Rebuttal by parties in support of the

3 application, and surrebuttal by parties in

4 opposition to the application.

5 Now, since the hearing -- since this is
6 an evidentiary hearing it is -- we're required to
7 ask everyone to swear or affirm that they'll tell
8 the truth. So I know Mr. Ahn, you're going to
9 speak. And, ma'am, you're going to speak. And
10 who are you -- you speak on behalf of yourself or
11 --

12 MS. FENIAK: I am speaking on behalf of
13 myself.

14 MR. BYRNE: Okay. Fine. And you, sir?

15 MR. FIDLER: I'll speak on behalf of
16 myself.

17 MR. BYRNE: Okay. And you're neighbors?

18 MR. FIDLER: Yes.

19 MR. BYRNE: Okay. Very good. So would
20 you all then, if you're going to speak, would you
21 please raise your right hand and do you promise
22 to tell the whole truth to the best of your

1 ability?

2 ALL: Yes.

3 MR. BYRNE: Thank you. Okay. Very good.
4 There are no pending motions before us. And so
5 Mr. Ahn, you can make a presentation.

6 MR. AHN: Okay. Thank you. First of
7 all, thank you for this meeting. And I have so
8 far spoke with Mr. Meyer and everybody in the
9 Public D.C. Permit sections. And we, me and my
10 wife, she's 33 years in Federal service and she
11 retire soon and we invest heavily in this
12 project. And it was a shell basically and we
13 spent a substantial amount of our investment in
14 there, and also we tried to beautify the
15 building. I mean, it's a continue on project.
16 So far it's way over the budget and way over the
17 duration.

18 But however the issue with the roof is
19 basically, it is residential but it also has a
20 commercial. In the ground floor is a store, a
21 deli store. And we're going to live up there on
22 the second and third floor.

1 And inside is almost done. And there is
2 no roof access, and it is this old Victorian
3 building obviously. And one primary our concern
4 with the safety, is it does not have a sprinkler
5 system or anything like that. And in case of
6 fire or something, then we don't have no means to
7 -- if we have, I mean, we have a master bedroom
8 upstairs, third floor, no way to escape. That's
9 one big issue.

10 So we thought that would be nice to have
11 roof deck, plus escape route or something so we
12 can have a safety in the night time. That's one
13 big issue and reason for applying for the roof
14 deck.

15 Now, we made it very clear to our
16 contractor, and we also made it very clear to the
17 Historic Board that we're not going to, in any
18 way, shape, or form, make it look ugly or
19 unappear -- I mean, appearance wise we want to
20 conform to whatever the law requires. Number
21 one.

22 Number two, make sure the fans, that

1 whatever they install is not going to be visual
2 from the street as much as possible. That is
3 from roof deck if we do build and authorize to
4 build the roof deck.

5 And basically my contractor is a former
6 contractor by the way because we fire him because
7 he just was not doing the right job and causing
8 the problem in the neighbors and everything.

9 But in any event, he initially submit
10 application to the Historic Board that little
11 access door from the third floor window to the
12 roof, and have access to the roof. And Mr. Meyer
13 basically then will be not correct design for
14 that building or historic purpose for the
15 Historic Board.

16 So, that's the only application drawing
17 we submitted. And at the same time, feedback
18 we're getting from the Historic Board is that
19 it's not going to allow any roof deck at all in
20 LeDroit Park. So if we even, let's say modify
21 the design, or if I spend -- I hired another
22 contractor to whatever the Historic Board

1 required to perform the deck, basically I cannot
2 even hire the new contractor or anybody because
3 Historic Board made it clear they don't allow any
4 roof deck.

5 And meantime me and my wife drove around
6 LeDroit Park and we saw whole bunch of deck which
7 has been built already or maybe in process of
8 building. So we took some pictures and attached
9 to our statement. And it's one thing if someone
10 who builds something without any process going
11 through the DCRA illegally build, or, you know,
12 something like that.

13 Only thing we have done so far where we
14 hide D.C. bond and D.C. licensed contractor, and
15 we submit all the application according to what
16 require of D.C. code and D.C. ordinance, and we
17 very actively communicate with our Historic
18 Board. And also soon as we purchased the
19 building we joined the LeDroit Park Association
20 and community association. We went to their
21 meetings too. And I mean, we tried to do things
22 right.

1 But if they just deny the fact because
2 for the denial, then I don't think it's right.
3 Give the homeowners opportunity to spend money.
4 We spent over \$300,000 on that renovation on that
5 building already. And the store was vacant, and
6 that store is providing the community from means
7 to providing good for the community. And I think
8 they've done a fabulous job for fixing the place.
9 It was empty. It was boarded -- I mean, it was
10 like, it was not pleasing to the eye.

11 But I'm talking to the store owners all
12 the time. If anything we can do as a landlord to
13 help the community.

14 But the roof deck issues is, I want some
15 flexibility because again there's a safety issue
16 in there. There's no sprinkler system. There's
17 no on-roof access. So if there's a fire
18 sometimes from the stores, and whatever the
19 reason, because all the utility is on the
20 basement of the store.

21 And you know, if something happened with
22 electrical or gas or something, I'm just you

1 know, worried in the night time. So I would like
2 to have some escape routes to the roof. And then
3 there's not a whole lot elaborated roof deck. I
4 mean, just have a basic roof deck and make sure
5 that whoever I hire on contract to do it, do it
6 right and you know, pleasing to the community.

7 MR. BYRNE: Okay. All right. Thank you.

8 MR. AHN: Thank you.

9 MR. BYRNE: Okay. So, Mr. Meyer, you'll
10 be next and I've read the staff report. And of
11 course this is summary statement by the HPRB.
12 They obviously felt like the roof deck was
13 inconsistent with the character of LeDroit Park
14 and the statement in the staff report is the
15 affect that there were no roof decks in LeDroit
16 Park. So that's what Mr. -- as a factual point
17 that Mr. Ahn is contesting.

18 So I'd like to hear just more from you
19 both about the notion about the compatibility
20 issue and then about the other buildings that
21 might be within the district.

22 MR. MEYER: Sure. One of the key details

1 of the statement, no roof decks, should be made
2 clear that there are no roof decks on the upper-
3 most roofs of row houses.

4 MR. BYRNE: Okay.

5 MR. MEYER: Staff has been implementing a
6 policy along with the Board that roof decks can
7 be and are appropriate on lower roofs. Lower
8 roofs in a row house neighborhood like LeDroit
9 Park, the lower roofs are typically the rear wing
10 of the row house. Very common historic form for
11 row houses that the front block of the house be
12 two or three stories tall and the rear wing be
13 one story less.

14 Rear wings being less important to the
15 Historic District, being the lower roof, decks
16 are commonly approved by staff under delegative
17 authority on those locations on buildings.

18 The case for upper roofs, you know, the
19 top of the main block of the row house, is that
20 in LeDroit Park those roofs have not been
21 approved by the Board. Permits for those types
22 of construction on historic buildings have not

1 been issued.

2 LeDroit Park, one of the unique
3 characteristics of its neighborhood and its
4 integrity, is that there are no roof decks on the
5 upper-most roof of these properties. That's not
6 the case in all historic districts, but it is the
7 case in LeDroit Park. And the Board, by
8 approving previous years of staff recommendations
9 on this topic have found it an interest to keep
10 LeDroit Park like that, and that characteristic.

11 I've very briefly had a chance to review
12 the applicant's addresses and photographs that he
13 submitted of other decks in the neighborhood. I
14 have not had a chance to do an official analysis
15 of all the addresses because they're not labeled.
16 So to a certain extent I had to figure out what
17 the addresses were.

18 In the cases submitted, they found the
19 three categories that I could see. There are
20 pictures of decks on lower roofs or on the backs
21 of row houses, and so those decks are consistent
22 with what staff has been approving.

1 LeDroit Park is a small historic district
2 with specific boundaries. I believe some of the
3 photographs are of decks outside the historic
4 district. So to the lay person and to the
5 community itself, those row houses could be in
6 the neighborhood of LeDroit Park, but as a legal
7 matter they are outside the boundaries of the
8 Historic District.

9 And there is a third category of cases
10 where the submission of photographs is brought to
11 our attention that some decks on upper roofs have
12 been built without a permit. We don't have the
13 staff resources to inspect every historic
14 district on every block all the time. So this
15 information is new to us because of this case,
16 and pending the decision on this case we will
17 begin enforcement on those decks that were built
18 without permit.

19 MR. BYRNE: Okay. Very good. Very good.
20 Can I just ask what that enforcement process
21 would look like?

22 MR. MEYER: The enforcement process would

1 be our offices inspector would go to the site and
2 confirm that it is new construction, using
3 satellite and photographic records that we have,
4 determine that no permit was issued for the
5 project because as an administrative issue, DCRA,
6 the agency that issues permits has been known to
7 issue permits without our review. So sometimes
8 that does happen.

9 MR. BYRNE: Erroneously.

10 MR. MEYER: So, basically our inspector
11 will go to the site, confirm that it's new
12 construction, check city records to make sure it
13 has no permit, and then issue a violation, the
14 notice of violation to the property owner
15 inviting them to remove the deck or get a permit
16 for the deck.

17 MR. BYRNE: Okay.

18 MR. MEYER: And getting a permit for the
19 deck will put it through the process that we're
20 going through today, of appealing to the Board,
21 the Board would consider it, and resolving it
22 that way.

1 Ultimately it would be our staff's
2 intent, going through that, to remove the deck
3 from the historic building if it's on the upper-
4 most roof.

5 MR. BYRNE: And you have the authority to
6 do that?

7 MR. MEYER: With our building inspectors,
8 yes.

9 MR. BYRNE: Yes. Yes. Very good. All
10 right.

11 So now it's an opportunity for you to
12 make statements you please. Tell us your name
13 and your address and your interest in the case,
14 and then feel free to make a statement.

15 MS. FENIAK: Sure. My name is Andrea
16 Feniak, and I am the owner and resident of 1901 -
17 - or excuse me, 1903 4th Street Northwest, which
18 is next door to 1901. And I wrote what I --

19 MR. BYRNE: Okay. Very good.

20 MS. FENIAK: I'm here this morning to
21 support the Historic Preservation Review Board's
22 original recommendation to deny a permit to the

1 owner of 1901 4th Street Northwest for the
2 construction of a new roof deck on the upper-most
3 portion of the existing structure and a new metal
4 spiral stair that would connect it to the
5 recently constructed lower roof deck that was
6 approved by the City without the Historic
7 Preservation Review Board's approval on the one-
8 story garage that faces 4th Street.

9 I'm in agreement with the Board's
10 original ruling, but these two new structures are
11 not consistent with the D.C. Historic Landmark
12 and Historic Preservation Act, and as noted in
13 the staff report that was included in the Board's
14 September 18th meeting, the north elevation of
15 this property is visible to 4th Street and can be
16 seen as far north as U Street, and placing a roof
17 deck and a spiral stair are modern intrusions
18 that are not compatible with the historic urban
19 fabric of LeDroit Park.

20 Further, if this denial is reversed and
21 the project is allowed to move forward I believe
22 it will set a precedent where other properties

1 could construct these pop-up -- I'm calling it a
2 party deck, on the rooftops of their existing
3 Victorian homes that are visible from the street
4 face, and it would forever ruin the unique
5 roofline patterns of our neighborhood and would
6 mar the rich history of our community in my
7 opinion.

8 And I urge the Board to hold its original
9 decision regarding the denial of this
10 application.

11 MR. BYRNE: Okay.

12 MS. FENIAK: Thank you.

13 MR. BYRNE: Thank you very much. All
14 right, sir. Now same with you. Would you state
15 your name and address, your interest in the case,
16 and feel free to make your statement.

17 MR. FIDLER: Sure. My name is Eric
18 Fidler. I live at 439 Elm Street Northwest in
19 the LeDroit Park Historic District and I'm a
20 resident and property owner in the Historic
21 District.

22 I'm here today as a resident to urge you

1 to oppose the application to add a roof deck and
2 exterior stair. The applicant has failed to show
3 that the project is of special merit, deserving
4 exception to the ordinary Historic Preservation
5 standards.

6 Furthermore, granting the applicants'
7 request sets a bad precedent and will result in
8 more property owners demanding the same special
9 treatment.

10 The Historic Preservation Statute allows
11 you to grant exceptions in limited circumstances.
12 If the Historic Preservation rules would place an
13 unreasonable hardship on the property owner, if
14 the proposed project is necessary in the public
15 interest, or if the proposed project would
16 deliver significant benefits to the District of
17 Columbia or the community by virtue of exemplary
18 architecture, specific features of land planning,
19 or social or other benefits having a high
20 priority for community services.

21 Few of the appeals to the Mayor's Agent
22 ever succeed, and those that do are typically

1 public, private -- public or public/private
2 projects. In 2009 the Mayor's Agent permitted
3 the Third Church of Christ Scientists to demolish
4 its brittlest structure near the White House,
5 since the building's upkeep was a financial
6 burden to the church.

7 In 2012 the modernization of the historic
8 firehouse in Cleveland Park was deemed necessary
9 in the public interest, since modern fire trucks
10 require widening of the historic firehouse's
11 doors.

12 In 1980, this is going a little bit
13 farther back, the Mayor's Agent permitted the
14 demolition of historic structures to create the
15 original convention center, deeming it a project
16 of special merit.

17 The owner's renovation of this historic
18 property in LeDroit Park is certain welcome. And
19 actually I really do appreciate the amount of
20 time and effort that they have put in to
21 restoring this building. It's been vacant for a
22 while.

1 However, it is hard to argue that being
2 denied a roof deck is an unreasonable hardship,
3 or that the construction of a roof deck is
4 necessary in the public interest, like a fire
5 house, or that a roof deck will deliver
6 significant benefits to D.C. or the community
7 like a convention center.

8 I urge you to deny the applicant's
9 appeal. The Historic Preservation Review Board
10 and the Historic Preservation office staff
11 already decided this case correctly.

12 And there were a few points brought up
13 about other roof decks. And I know on the square
14 bounded by T Street, 5th Street, 4th Street, and
15 Florida Avenue, if you walk into the alley there
16 are a few roof decks and I have not analyzed the
17 nuances to whether or not they're on the upper-
18 most floor. But I suspect a few of them were
19 built without requested permits.

20 As for the issue of fire safety, if that
21 is truly a concern I believe the best solution
22 would be to, instead of spending money on the

1 exterior stair and a roof deck, would be simply
2 to buy a residential-grade, I believe it's called
3 R34 Class fire sprinkler system, which just uses
4 the typical water pressure, and it's a cheaper
5 system than what you would find in like a
6 commercial building like this. And that can very
7 adequately put out a fire in enough time that
8 somebody could go down three floors and out of
9 the building.

10 MR. BYRNE: Okay. All right. Thank you.
11 Thank you.

12 All right, Mr. Ahn, will you have
13 anything further you'd like to say in response?

14 MR. MEYER: I'm sorry to interrupt.

15 MR. BYRNE: That's all right.

16 MR. MEYER: Because I don't know. I
17 received one e-mail from a constituent.

18 MR. BYRNE: Yes. I have one e-mail here.
19 Thank you. I have one e-mail in the record from
20 Mr. Sullivan on 319 T Street.

21 MR. MEYER: Yep. That's the one.

22 MR. BYRNE: In support of the decision of

1 the HPRB. Right. So that's in the record.

2 Thank you.

3 MR. MEYER: Okay.

4 MR. AHN: I would like to say,
5 additionally, when I purchased this building,
6 this building was built in 1890 something. Of
7 course it's Victorian, beautiful and historic
8 building. That's why I purchased it.

9 But front door was replaced in 1960 or
10 '70 or something. It was all broken up. And if
11 you look in -- I sent many pictures to Mr. Meyer.
12 It was in bad condition. I'm telling you, it was
13 bad condition.

14 Front step leading to the front door was
15 all concrete, all broken up. I mean, it was all
16 -- this all replaced with a very tastefully,
17 nicely and everything, with the permit approval
18 of the D.C. Government and Historic Board.

19 Every step of the way we try to do the
20 right thing. Again, I want to emphasize that.
21 And applied for the permit, and approved by the
22 D.C. Government, and we try to do the right

1 thing.

2 I'm not in any way, shape, or form, put
3 up a roof deck that is just like cheap, one of
4 the (indiscernible)**21:38 party roof deck.
5 That's not my intention at all. At all.

6 I want to make it very clear. It was
7 one, again yes there is some option to maybe do
8 the sprinkler system, but it costs a fortune.
9 And also it would create another master, which is
10 structural wise, is an old Victorian building. I
11 don't know what's involved at all as far as a
12 sprinkler system is concerned.

13 But updating this either from inside, if
14 it's outside, it cannot be done at all. I need
15 some access from the third floor to the roof so,
16 you know, I have some safety, and my family's
17 safety.

18 And if it's approved we will have rail
19 invisible from the street. And it's a third
20 story. It's a high building and it has a big
21 cupola. Probably about seven, eight feet tall
22 cupola is on the two corners on the corner and

1 the side. And I am positive that that cupola
2 will do the -- blocking the view from the street.
3 Any deck at all.

4 And we will do in the Victorian taste,
5 Victorian style. And that, not one of those
6 party deck as she mention. And that's not our
7 intention at all. And we want to preserve and
8 keep the integrity kept, that historic feeling.

9 MR. BYRNE: Okay. Thank you. So, Mr.
10 Meyer, do you have solutions that you advise
11 homeowners on, on the kind of fire safety issues
12 that Mr. Ahn has raised.

13 MR. MEYER: Uh-huh.

14 MR. BYRNE: I mean, he's here. We have a
15 situation where there is a store on the first
16 floor and residences second and third floor in a
17 wooden building. And I would assume that there
18 are practices that are common to enhance safety.
19 I also imagine the building code requires various
20 safety measures.

21 MR. MEYER: Uh-huh. Well, as you brought
22 up at the end of the question, code compliance

1 for safety structure, fire, is complicated
2 because there are several (indiscernible)**24:00
3 interests involved. Historic is one of those but
4 obviously structural and fire code reviewers
5 evaluate projects on their code and determine
6 what work is necessary to meet the code. It's a
7 very detailed analysis sometimes.

8 MR. BYRNE: Right.

9 MR. MEYER: Our position, and it's
10 codified in the code as well, is that historic
11 buildings that were built legally originally do
12 not need to brought up to code unnecessarily.
13 Our office does have the ability to assign
14 waivers as long as adequate substitute safety
15 measures are in place. So that's a consultation
16 with fire reviewers and structural reviewers.

17 Our hope as an office is that these types
18 of safety issues can be installed in a property
19 in such a way that they don't have an impact on
20 the Historic District. Or at least an
21 incompatible impact on the Historic District.

22 Being a large building with several

1 points of entry that I can tell from the outside,
2 again since the original permit was for a roof
3 deck, we did not study the interior plans of the
4 building. But it would be our --

5 MR. BYRNE: You'd be available for
6 consultation with Mr. Ahn on --

7 MR. MEYER: That would be our approach.

8 MR. BYRNE: -- safety. On these safety
9 issues.

10 MR. MEYER: To analyze plans and seek a
11 solution to the safety and fire code issues by
12 addressing them on the interior of the property.
13 Working with the historic building we have, and
14 alternating it on the outside as little as
15 possible.

16 Issues of fire safety and railing safety
17 for the roof, in my experience, only applies if
18 the roof is occupied. Currently the roof is not
19 occupiable. If you build a deck up there then it
20 is occupiable. Then you do have a safety issue.
21 Then you do have to consider stairways and
22 railings. Those are the elements of the project

1 that would be incompatible in staff's
2 recommendation to the Historic District.

3 So rather than placing an amenity on top
4 of the roof and making it occupiable, and then
5 figuring out how to make that safe, it's our
6 recommendation that we don't even go down that
7 road so that way we don't even have to deal with
8 railings and stairs in such a place that from
9 looking at it, and how visible that north
10 elevation is, there's very few, if any, options
11 to build a structure that would get it up on to
12 the roof in a compatible fashion. Screened or
13 unscreened. Because the Board's -- our
14 recommendation to the Board, if we are to devise
15 an architectural element as Mr. Ahn brought up,
16 you know, a cupola or a Victorian element to
17 screen a modern railing or modern deck, we would
18 recommend against that as well because it changes
19 the fundamental understanding that the public
20 would have with the building. And following the
21 National Park Service Guidelines on the topic,
22 you know, change to a building should be

1 distinguishable. So the idea of masking new with
2 a recreated Victorian form is not something that
3 we would recommend to the Board as well.

4 MR. BYRNE: All right. Good. All right.
5 Thank you. All right.

6 Anything further to be said or pointed
7 out?

8 MS. FENIAK: Was there a rebuttal period?
9 Excuse me. When you had originally outlined that
10 perhaps there would be rebuttal portion.

11 MR. BYRNE: Yes. If you'd like to --
12 yes, you may.

13 MS. FENIAK: May I?

14 MR. BYRNE: Yes, you may.

15 MS. FENIAK: Okay.

16 MR. BYRNE: So identify yourself again
17 for the record.

18 MS. FENIAK: Sure. Andrea Feniak, 1903
19 4th Street Northwest.

20 MR. BYRNE: Okay. Thank you, Ms. Feniak.

21 MS. FENIAK: Regarding Mr. Ahn, on a few
22 of his comments, the fire egress and access, all

1 of the houses to the north I know, we all have
2 roof hatches that pop up. And if you go on to
3 your roof you can see them all along the line.
4 None of us have egress stairs. They're all, you
5 know, they're single-family occupancy. So I just
6 want to point that out, that we all are able to
7 get on our roofs through a roof hatch. I don't
8 know if yours does or not, but it is assembled
9 between the joist, the pop -- you know, you can
10 pop it open.

11 Regarding Mr. Ahn's statement that the
12 design would not be ugly, I do want to point out
13 that the deck that has been constructed above the
14 garage was attached to my home without my
15 permission with an ugly off-the-shelf Home Depot
16 type railing, which is not compatible, in my
17 opinion, with anything in the neighborhood. So,
18 just want to just put that out on the record.
19 And I have a photo of it.

20 And then I also would like to note that
21 the store was not a vacant building. The owner
22 was struggling. She was trying to do the

1 renovation herself. She was living in it part of
2 the time, and the store also had recently been
3 renovated before this new renovation. So I just
4 want to make it clear that this was not a vacant
5 blighted property in the neighborhood. It was
6 already well into a renovation and the owner just
7 took on, from personal, of course you know,
8 interactions, took on more.

9 But I just want to just make it on the
10 record that it was not a blighted shell.

11 MR. BYRNE: Okay. Okay.

12 MS. FENIAK: When Mr. Ahn purchased it.

13 MR. BYRNE: Okay. All right.

14 MS. FENIAK: That's all. Thank you.

15 MR. BYRNE: Okay. All right. All right.

16 Well, so Mr. Ahn, I think it is fair to say that
17 you know, I think that people appreciate the work
18 that you've done on the building. I'm not going
19 to be able to grant the permit for the roof deck.
20 I have -- my job really as the Mayor's Agent is
21 to see that the Board followed the appropriate
22 procedures and applied the right standards. And

1 their judgment about what's compatible is
2 primary. And unless they've really done a bad
3 job, you know, in some way that stands out, I
4 don't change their decision and I think that the
5 fact that there are no permitted roof decks on
6 top floors in LeDroit Park means that they're
7 acting in a way that they've consistently acted.

8 It's always unfortunate when there's
9 unpermitted work and I was glad to hear Mr.
10 Meyers say that they would look into that,
11 because we appreciate the fact that you have
12 sought to comply with the law and tried to keep
13 LeDroit Park a beautiful historic district. And
14 in fact it's part of what makes your investment
15 sound is that you're surrounded by neighbors who
16 are also constrained to follow the rules.

17 So I can appreciate your frustration, but
18 I think it's a pretty clear case in which a
19 permit -- I can't issue a permit in these
20 circumstances. So.

21 MR. AHN: Okay.

22 MR. BYRNE: So, but I thank you all for

1 coming today and we'll issue a short order to
2 that affect. You'll have a written order.

3 MR. AHN: Do I get a mail or e-mail?

4 MR. BYRNE: I think it's a written -- he
5 gets it by snail mail, right?

6 MR. MEYER: Right.

7 MR. BYRNE: Yeah. You'll get a notice
8 from the Historic Preservation Office.

9 MR. AHN: Okay.

10 MR. BYRNE: Okay? So, thank you all very
11 much.

12 [Whereupon, at 10:01 a.m., the Mayor's
13 Agent hearing concluded.]

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